

CHAPTER 1.3.1

GENERAL OBLIGATIONS

Article 1.3.1.1.

International trade in aquatic animals and aquatic animal products depends on a combination of health factors that should be taken into account to ensure unimpeded trade, without incurring unacceptable risks to human and aquatic animal health.

Because of the likely variations in aquatic animal health situations, various options are offered by the *Code*. The aquatic animal health situation in the *exporting* country, in the transit country or countries and in the importing country should be considered before determining the requirements that have to be met for trade. To maximise harmonisation of the [sanitary] aquatic animal health aspects of international trade, Competent Authorities of Member Countries should base their import requirements on the OIE standards, guidelines and recommendations.

These requirements should be included in the model international aquatic animal health certificates approved by the OIE, which form Part 6 of this *Code*.

Certification requirements should be exact and concise, and should clearly convey the wishes of the *importing country*. For this purpose, prior consultation between *Competent Authorities* of *importing* and *exporting countries* is useful and may be necessary. It enables the setting out of the exact requirements so that the signing veterinarian or other *certifying official* can, if necessary, be given a note of guidance explaining the understanding between the *Competent Authorities* involved.

When Members of, or representatives acting on behalf of, a *Competent Authority* wish to visit another country for matters of professional interest to the *Competent Authority* of the other country, the latter should be informed.

Article 1.3.1.2.

Responsibilities of the importing country

1. The import requirements included in the *international aquatic animal health certificate* should assure that *commodities* introduced into the *importing country* comply with the national level of protection [that it has chosen for aquatic animal health]. *Importing countries* should restrict their requirements to those justified for such level of protection. If these are more strict than the OIE standards, guidelines and recommendations, then they should be based on an import risk analysis.
2. The *international aquatic animal health certificates* should not include requirements for the exclusion of pathogens or *aquatic animal diseases* that are present within the *territory* of the *importing country* and are not subject to any official control programme. The requirements applying to pathogens or *diseases* subject to official control programmes in a country or *zone* should not provide a higher level of protection on imports than that provided for the same pathogens or *diseases* by the measures applied within that country or *zone*.
3. The transmission by the *Competent Authority* or *Veterinary Administration* of certificates or the communication of import requirements to persons other than the *Competent Authority* or *Veterinary Administration* of another country necessitates that copies of these documents be also

sent to the *Competent Authority* or *Veterinary Administration*.

This important procedure avoids delays and difficulties that may arise between traders and *Competent Authorities* or *Veterinary Administrations* when the authenticity of the certificates or permits is not established.

This information is usually the responsibility of *Veterinary Administrations* or other *Competent Authorities of the exporting country*. However, it can be the responsibility of *Veterinary Authorities* or other *Competent Authorities* at the place of origin of the *aquatic animals*, if different from the exporting country, when it is agreed that the issue of certificates does not require the approval of the *Veterinary Administrations* or other or other *Competent Authorities*.

Article 1.3.1.3.

Responsibilities of the exporting country

1. An *exporting country* should be prepared to supply the following information to *importing countries* on request:
 - a) information on the aquatic animal health situation and national aquatic animal health information systems to determine whether that country is free or has *zones* that are free from [*diseases notifiable to the OIE or other significant diseases*,] *OIE-listed diseases* including the regulations and procedures in force to maintain its free status;
 - b) regular and prompt information on the occurrence of transmissible *diseases*;
 - c) for *diseases* not listed, if there are new findings that are of exceptional epidemiological significance to other countries,
 - [c]d) details of the country's ability to apply measures to control and prevent [*diseases notifiable to the OIE or other significant diseases*,] *OIE-listed diseases*
 - [d]e) information on the structure of the *Competent Authority* and the authority that they exercise;
 - [g]f) technical information, particularly on biological tests and vaccines applied in all or part of the national *territory*.
 - [f]g) [details] identification of the country or location of harvest or production of the product being exported.
2. *Competent Authorities of exporting countries* should:
 - a) have official procedures for the authorisation of *certifying officials*, defining their functions and duties as well as conditions covering possible suspension and termination of their appointment;
 - b) ensure that the relevant instructions and training are provided to *certifying officials*;
 - c) monitor the activities of the *certifying officials* to verify their integrity and impartiality.

The Head of the *Competent Authority* of the *exporting country* is ultimately accountable for the *certifying official* used in *international trade*.

Article 1.3.1.4.

Responsibilities in case of an incident occurring after importation

International trade involves a continuing ethical responsibility. Therefore, if within the recognised *infective periods* of the various *diseases* subsequent to an export taking place, the *Competent Authority* becomes aware of the appearance or reappearance of a *disease* that has been specifically included in the *international aquatic animal health certificate* or other disease of potential epidemiological importance to the importing country there is an obligation for the *Authority* to notify the *importing country*, so that the imported *aquatic animals* may be inspected or tested and appropriate action be taken to limit the spread of the *disease* should it have been inadvertently introduced.

Equally, if a disease condition appears in imported *aquatic animals* within a time period after importation consistent with the recognised *incubation period* of the disease, the *Competent Authority* of the *exporting country* should be informed so as to enable an investigation to be made, because this may be the first available information on the occurrence of the *disease* in a previously free aquatic animal population. The *Competent Authority* of the *importing country* should be informed of the result of the investigation because the source of infection may not be in the *exporting country*.